

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

ENGROSSED

LLS NO. 26-0712.02 Robin Bass x2314

HOUSE BILL 26-007

SENATE SPONSORSHIP

Forbes

HOUSE SPONSORSHIP

Enriquez, Schneider, Spencer, Vasquez

House Committees

Judiciary

Senate Committees

Not assigned

A BILL FOR AN ACT

CONCERNING THE SEALING OR EXPUNGEMENT OF JUVENILE CRIMINAL RECORDS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill establishes a uniform statewide process allowing certain juvenile records to be sealed or expunged after an individual has successfully completed all court-ordered requirements. The bill is intended to support rehabilitation and reduce long-term barriers to education, employment, and housing for individuals who committed offenses as juveniles and have demonstrated compliance with court sentences.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

Under the bill, individuals who have completed all terms of their sentence and remained free of new offenses for a specified period may petition the court to have their juvenile records sealed. Sealed records are no longer publicly accessible but may remain available to courts and law enforcement for limited purposes authorized by law.

The bill also allows individuals whose records have been sealed to later petition for expungement following an additional period of lawful behavior. Expungement results in the destruction or permanent removal of the record, allowing the individual to lawfully state that the offense did not occur in most circumstances.

Certain serious offenses, including homicide and felony sexual offenses, are excluded from automatic eligibility. The legislation also directs the Judicial Branch and Department of Law to implement procedures for automatic sealing of eligible nonviolent juvenile records once court sentences are completed.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This Act shall be known and may
4 be cited as the “Juvenile Records Act.” **SECTION 2.**
5 **LEGISLATIVE DECLARATION.** The General Assembly finds
6 and declares that: The General Assembly hereby finds and
7 declares that: (a) The juvenile justice system is intended to
8 promote rehabilitation, accountability, and successful
9 reintegration into society. (b) Juvenile records may create
10 long-term barriers to education, employment, housing, and
11 military service, even after a young person has successfully
12 completed all court-ordered obligations. (c) Individuals who have
13 complied with court sentences and demonstrated rehabilitation
14 should have a meaningful opportunity to move forward without
15 the lasting stigma of a juvenile record. (d) Providing a clear and
16 consistent process for sealing or expungement of eligible juvenile
17 records promotes public safety by encouraging rehabilitation and
18 reducing recidivism. (e) It is the intent of the General Assembly to

1 establish uniform standards for the sealing and expungement of
2 juvenile records upon successful completion of court
3 requirements, while preserving access for limited law
4 enforcement and judicial purposes where necessary. **SECTION 3.**
5 **DEFINITIONS.** For purposes of this Act, unless the context
6 otherwise requires: (a) “Juvenile record” means any law
7 enforcement, court, detention, probation, or diversion record
8 relating to an offense committed while the individual was under
9 eighteen years of age. (b) “Sealing” means restricting access to a
10 record so that it is not publicly accessible but may be viewed by
11 courts or law enforcement for limited purposes as provided by
12 law. (c) “Expungement” means the destruction or permanent
13 removal of a record such that it is treated as though it never
14 occurred. (d) “Completed sentence” means full compliance with
15 all court-ordered requirements, including probation, restitution,
16 treatment programs, fines, and community service. **SECTION 4.**
17 **ELIGIBILITY FOR RECORD SEALING.** (a) A person shall be
18 eligible to petition the court for sealing of a juvenile record if: (I)
19 The individual has completed all terms of the court-imposed
20 sentence; (II) No new criminal or delinquent offenses have
21 occurred for a period of twelve months following completion of
22 the sentence; and (III) The offense is not excluded under
23 subsection (c) of this section. (b) Upon a finding that the
24 individual has complied with all requirements and that sealing is
25 consistent with public safety, the court shall order the record
26 sealed. (c) The following offenses are not eligible for automatic
27 sealing under this Act: (I) Offenses involving homicide; (II)
28 Felony sexual offenses; (III) Offenses requiring registration as a
29 sex offender under state law. (d) Notwithstanding subsection (a)
30 of this section, sealing of an eligible juvenile record shall occur
31 automatically upon verification by the court that the individual
32 has completed all terms of the sentence and has remained free of
33 new criminal or delinquent offenses for the period specified in

1 subsection (a)(II) of this section. A petition shall not be required
2 unless eligibility cannot be determined through existing court or
3 law enforcement records. **SECTION 5. EXPUNGEMENT OF**
4 **CERTAIN JUVENILE RECORDS.** (a) A person whose juvenile
5 record has been sealed may petition for expungement after an
6 additional period of three years without a new criminal or
7 delinquent offense. (b) The court shall grant expungement upon
8 finding that: (I) The individual has remained law-abiding; (II) All
9 restitution and financial obligations have been satisfied, or the
10 court finds that any unpaid balance results from demonstrated
11 financial hardship and that the individual has made good-faith
12 efforts toward compliance; and (III) Expungement serves the
13 interests of justice and rehabilitation. (c) Upon expungement, all
14 agencies shall destroy or permanently delete records subject to the
15 order, except statistical data that does not identify the individual.
16 (d) Upon receipt of a petition for expungement, the court shall
17 issue a ruling within forty-five days unless good cause is shown.
18 Failure of the court to act within the required period shall result in
19 the petition being deemed granted by operation of law. **SECTION**
20 **6. EFFECT OF SEALING OR EXPUNGEMENT.** (a) A person
21 whose record has been sealed or expunged shall be restored, in the
22 eyes of the law, to the status occupied before the arrest or
23 adjudication and may lawfully state for all purposes that the
24 underlying offense, arrest, or adjudication did not occur, except
25 where disclosure is expressly required by state or federal law. (I)
26 Employment with a law enforcement agency; (II) Judicial or
27 prosecutorial positions; or (III) Situations otherwise required by
28 state or federal law. (b) Sealed records may be accessed by courts
29 and law enforcement only for sentencing, investigation, or
30 background checks authorized by law. (c) No state agency,
31 political subdivision, or contractor shall disclose, sell, transfer, or
32 otherwise disseminate sealed or expunged juvenile record
33 information to any private data broker, background check

1 company, or commercial entity. Any record disclosed in violation
2 of this subsection shall be deemed unlawfully released and subject
3 to immediate removal. **SECTION 7. AUTOMATIC SEALING**
4 **FOR CERTAIN OFFENSES.** (a) The Department of Law, in
5 coordination with the Judicial Branch, shall develop procedures
6 for automatic sealing of all eligible juvenile records, including
7 misdemeanor and nonviolent felony offenses, within sixty days
8 after completion of the sentence when eligibility requirements are
9 met. (b) Individuals shall not be required to pay a filing fee for
10 automatic sealing under this subsection. (c) No filing fee,
11 administrative fee, or court cost shall be assessed for any petition
12 seeking sealing or expungement of a juvenile record under this
13 Act. (d) Upon sealing or expungement of a juvenile record, the
14 court shall provide written notice to all agencies known to possess
15 the record and shall require confirmation of compliance within
16 thirty days. **SECTION 8. RULEMAKING AUTHORITY.** The
17 Judicial Branch and the Department of Law may promulgate rules
18 necessary to implement this Act. **SECTION 9. EFFECTIVE**
19 **DATE.** This Act shall take effect after the 90-day period after final
20 adjournment of the Seventy-Seventh general assembly.